REMARKS/ARGUMENTS

With this amendment, claims 1, 5, 8, 9, 19, 23, 42, 44, and 53 are pending. Claims 7, 37 and 38 are withdrawn. Claims 2-4, 6, 10-18, 20-22, 24-36, 39-41, 43, 45-52, and 54-80 are cancelled. For convenience, the Examiner's rejections are addressed in the order presented in a July 2, 2007, Office Action.

Applicants thank Examiners Standley and Romeo for conducting a telephone interview with Applicants' representative Beth Kelly on November 15, 2007. In order to overcome claim objections and rejections for alleged indefiniteness and obviousness, amendments of claims 1, 23, and 44 were discussed. The participants reached agreement on amended claim language, which is reflected in the claims attached to this response. Rejoinder of claim 7 was discussed and tentative agreement was reached on claim language. The attached claims reflect that agreement.

I. Status of the claims

Claims 1, 5, 23, and 44 are amended to refer to an all D-amino acid ADNF I active core site, *i.e.*, "wherein each amino acid is a D-amino acid" and "wherein each amino acid of SEQ ID NO:1 is a D-amino acid." Support for these amendments is found through our the specification, for example, at page 3, lines 28-30; page 21, lines 17-19; page 23, lines 27-30; page 30, lines 1-8; page 37, line 30 through page 38, line 4; and original claims 4-6, 22-24, and 43-45. These amendments add no new matter.

II. Objection to the claims

Claims 46-52 are objected to for reciting mixtures of ADNF I and ADNF III. In order to expedite prosecution, claims 46-52 are cancelled. Claims 5-6, 23-24, and 43-45 are objected to for alleged improper dependent form. In order to expedite prosecution, claims 5, 23, and 44 are amended to recite ". . . Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala (SEQ ID NO:1), wherein each amino acid is a D-amino acid." Claims 6, 24, 43, and 45 are now cancelled. In view of these amendments, withdrawal of the objections to the claims is respectfully requested.

III. Rejections under 35 U.S.C. §112, second paragraph

Claims 5-6, 23-24, 43-45, and 53 are rejected as allegedly indefinite. According to the Office Action the rejected claims can be read as no longer requiring each amino acid of the active core site to be a D-amino acid. In order to expedite prosecution, claims 5, 23, and 44 are amended to recite ". . . Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala (SEQ ID NO:1), wherein each amino acid is a D-amino acid." Claims 6, 24, 43, and 45 are now cancelled. Applicants believe the cancellation of claims 43 and 45 obviates the rejection of claims 42 and 53. In view of these amendments, withdrawal of the rejections under 35 U.S.C. §112, second paragraph is respectfully requested.

IV. Rejections under 35 U.S.C. §103(a)

An obviousness rejection against claims 5, 23, and 44 are rejected is maintained as it is allegedly unclear whether the claimed ADNF I core sequence is made of only D-amino acids. In order to expedite prosecution, claims 5, 23, and 44 are amended to recite ". . . Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala (SEQ ID NO:1), wherein each amino acid is a D-amino acid." In view of these amendments, withdrawal of the rejection for alleged obviousness is respectfully requested.

V. Rejoinder of claim 7

Applicants respectfully request rejoinder of claim 7. The amino acid sequence recited in claim 7 each include the ADNF I active core site Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala (SEQ ID NO:1). For the Examiner's convenience, the Markush group of claim 7 is reproduced below and the ADNF I active core site sequence is bolded.

Val-Leu-Gly-Gly-Gly-**Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala** (SEQ ID NO:14);

Val-Glu-Glu-Gly-Ile-Val-Leu-Gly-Gly-Gly-**Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala** (SEQ ID NO:15);

Leu-Gly-Gly-Gly-**Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala** (SEQ ID NO:16);

Gly-Gly-Gly-**Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala** (SEQ ID NO:17);

Gly-Gly-**Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala** (SEQ ID NO:18); and

Gly-**Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala** (SEQ ID NO:19)

Claim 7 is also amended to recite "wherein each amino acid of the active core site Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala (SEQ ID NO:1) is a D-amino acid and the additional amino acids are D or L amino acids." Support for this amendments is found throughout the specification, for example, at page 23, lines18-27. "In yet another embodiment, the ADNF I polypeptide can comprise additional amino acids at the N-terminus and/or at the C-terminus of the active core site. . . Any one of the additional amino acids or all of the additional amino acids can be D-amino acids." A formula describing ADNF I polypeptides and use of additional D and L amino acid to flank the active core site is found at, *e.g.*, page 24, lines 23-26 and line 33 through page 25, line 6. "In a preferred embodiment, the ADNF I polypeptide comprises an amino acid sequence having the following formula: $(R^1)_x$-Ser-Ala-Leu-Leu-Arg-Ser-Ile-Pro-Ala-$(R^2)_y$ (SEQ ID NO:3), wherein the active core site comprises at least one D-amino acid. . . . This discussion pertaining to R^1 is fully applicable to R^2, R^3, and R^4. Moreover, any one or any combinations of the amino acids making up the amino acid sequence R^1 can be a D-amino acid or an L-amino acid." In view of this amendment, rejoinder of claim 7 is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

/Beth L. Kelly/

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